

REMARKS

The Examiner's careful review and examination of the subject application are noted and appreciated.

The present invention relates to a hybrid fuel cell comprising a fuel cell portion and a rechargeable battery portion, the fuel cell portion and the rechargeable battery portion operating alone or in tandem and sharing at least one reactant.

Applicants have carefully reviewed the above-identified Office Action. Applicants contend that, in view of the clarifying remarks set forth herein, all bases of objection and rejection have been overcome. Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of the claims submitted.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

For the reasons which follow hereinafter, the rejection of claims 1-3 and 20-22 under 35 U.S.C. §102 as being anticipated by Suzuki et al. has been obviated by and should be withdrawn.

Suzuki et al. discloses a fuel cell system and method of operating fuel cell system (Title). The fuel cell system includes a fuel cell and a battery (sect. 0016-0020). During operation, a reduction of the quantity level of electrolyte of the battery may be detected and condensed water generated by operation of the fuel cell and stored in a condensed water tank may be supplied to the battery via a pump (Sect. 0167).

In contrast, the presently pending invention claims a fuel cell portion and a battery portion sharing at least one reactant. Suzuki et al. do not disclose sharing at least one reactant as presently claimed. In particular Suzuki et al. discloses pumping condensed water generated by the fuel cell to the battery. In this case water generated by the fuel cell is not a reactant used by the fuel cell but a reaction product from the fuel cell. As such, the presently pending invention is readily distinguishable and clearly patentable over the cited reference and the rejection should be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

For the reasons which follow hereinafter, the rejection of claims 4-7 under 35 U.S.C. §103 as being unpatentable over Suzuki et al. in view of Ovshinsky et al. (U.S. Pat. App. Pub. 2004/0248005) is respectfully traversed and should be withdrawn. Claims 4-7 depend indirectly from independent claim 1, which is now believed to be allowable.

For the reasons which follow hereinafter, the rejection of claims 8-12, 14, 15, and 19 under 35 U.S.C. §103 as being unpatentable over Suzuki et al. in view of Ovshinsky et al. (U.S. Pat. No. 6,447,942) is respectfully traversed and should be withdrawn. Claims 8-12, 14, 15, and 19 depend indirectly from the independent claim 1, which is now believed to be allowable.


For the reasons which follow hereinafter, the rejection of claims 13, 18, and 19 under 35 U.S.C. §103 as being unpatentable over Suzuki et al. in view of Menjak et al. (U.S. Pat. App. Pub. 2003/0059664) is respectfully traversed and should be withdrawn. Claims 13, 18, and 19 depend indirectly from the independent claim 1, which is now believed to be allowable.

For the reasons which follow hereinafter, the rejection of claims 14-17 under 35 U.S.C. §103 as being unpatentable over Suzuki et al. in view of Stachurski (U.S. Pat. No. 3,532,548) is respectfully traversed and should be withdrawn. Claims 14-17 depend indirectly from the independent claim 1, which is now believed to be allowable.

Accordingly, Applicant submits that the present amendment places the application in condition for allowance. The Examiner is respectfully requested to pass the application to issuance.

The Examiner is respectfully invited to call the Applicants' representative should it be deemed beneficial to further advance prosecution of the application.

Respectfully submitted,


Frederick W. Mau II
Reg. No 52,453

Date: July 5, 2005
Energy Conversion Devices, Inc.
2596 Waterview Drive
Rochester Hills, MI 48309
Tel. (248) 293-0440
Fax. (248) 844-2273
e-mail: fmau@ovonic.com